

RESOLUTION NUMBER R- 307413DATE OF FINAL PASSAGE MAY 07 2012

A RESOLUTION DECLARING THE RESULTS OF A SPECIAL  
MAILED-BALLOT ELECTION WITHIN CONVENTION  
CENTER FACILITIES DISTRICT NO. 2012-1 IN THE CITY OF  
SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF  
CALIFORNIA.

WHEREAS, the City Council has conducted proceedings pursuant to the terms and provisions of Division 27 of Article 1 of Chapter 6 of the San Diego Municipal Code (the Division) and the state's Mello-Roos Community Facilities Act of 1982 (California Government Code sections 53311, et seq.), as modified by the Division, to form Convention Center Facilities District No. 2012-1, City of San Diego, County of San Diego, State of California (the Convention Center Facilities District), to authorize a special tax and the issuance of debt to finance the proposed contiguous expansion and upgrade of the existing San Diego Convention Center, and to establish the appropriations limit for the Convention Center Facilities District, all as set forth in Council resolutions R-307243 and R-307244 (the Formation Resolutions); and

WHEREAS, a special, mailed-ballot election has been conducted pursuant to Council resolution R-307245, in which qualified voters in the Convention Center Facilities District considered the following ballot question:

Shall the San Diego Convention Center Facilities District authorize the San Diego City Council to levy a special tax, and issue not to exceed \$575,000,000 in bonds secured thereby and by other revenues, to finance the contiguous expansion, construction, reconstruction, rehabilitation, equipping, replacement and upgrade of the San Diego Convention Center and related expenditures, and establish the appropriations limit for the District, all as specified in City of San Diego Resolutions 307243 and 307244 adopted January 24, 2012?	YES
	NO

and;

WHEREAS, in order to confer upon the Council the authority contained in the Formation Resolutions, at least two-thirds of the votes cast by qualified electors within the Convention Center Facilities District must be cast in favor for the special tax measure to be approved; and

WHEREAS, in order to be counted, the ballots in the special mailed-ballot election were required to be executed and certified, and returned to the City Clerk, by mail or in person, so that they were received by the City Clerk prior to 8:00 p.m. on April 23, 2012, at the City Clerk's Office; and

WHEREAS, the City Clerk provided to Willdan Financial Services, Inc., a contractor hired to assist the City Clerk's office (Willdan), in an unopened condition, for the purpose of counting the ballots contained therein, all ballot envelopes received by the City Clerk's Office by 8 p.m. on April 23, 2012; and

WHEREAS, on April 24, 2012, Willdan counted the special election ballots in the City Clerk's Office, and submitted a "Ballot Tally" to the City Clerk; and

WHEREAS, the City Clerk has reviewed the "Ballot Tally" and certified the results; and

WHEREAS, a Certificate of Mailing Special Election Ballots executed by Willdan has been submitted to the City Clerk and provided to the Council; and

WHEREAS, a Certificate of the City Clerk Regarding the Receipt of Executed Ballots and Declaring Election Results, executed by the City Clerk, has been provided to the Council; and

WHEREAS, the Council has received and reviewed the certificates described in these recitals and wishes by this resolution to declare the results of the special mailed-ballot election; and

WHEREAS, declaring the results of elections as certified by the City Clerk is a ministerial act required of the municipal governing body by California Elections Code section 10263 and, therefore, is not subject to veto by the Mayor; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Council finds and determines, pursuant to the provisions of Section 27.0411 of the San Diego Municipal Code, that the number of votes cast for and against the ballot measure submitted by mail to the qualified electors of the Convention Center Facilities District, and the total number of votes cast, are:

Total Votes Cast "Yes": 17,904,588.30

Total Votes Cast "No": 1,549,634.12


Total Votes Cast: 19,454,222.42

The percentage of votes cast that were cast "Yes," is 92.03%.

BE IT FURTHER RESOLVED, that the Council of the City of San Diego finds and determines that at least two-thirds of the votes cast by qualified electors within the Convention Center Facilities District are votes in favor of the special tax measure, and the measure is thus declared to have been approved.

BE IT FURTHER RESOLVED, that the number of votes cast for and against the measure is to be recorded in the Election Returns Book, which book is authorized and is considered to be a part of the record of this Council. The City Clerk shall make public the results of the election by publication of a copy of this resolution.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Sharon B. Spivak  
Deputy City Attorney

SBS:jdf  
04/25/12  
Or.Dept:City Clerk  
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